

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

KEANA TAYLOR	§	
Plaintiff,	§	
	§	CIVIL ACTION NO. 4:22-cv-2904
v.	§	
	§	JURY TRIAL DEMANDED
VMG Enterprise LLC d/b/a VMG Home Buyers (346-299-5023);	§	
Owner of Telephone Number 214-935-9114;	§	
Owner of Telephone Number 281-324-8482;	§	
Owner of Telephone Number 281-426-0814;	§	
Owner of Telephone Number 281-612-7386;	§	
Owner of Telephone Number 281-644-0380;	§	
Owner of Telephone Number 346-236-0479;	§	
Owner of Telephone Number 346-470-7717;	§	
Moral Home Experts (469-933-1398);	§	
Owner of Telephone Number 470-397-1676;	§	
Owner of Telephone Number 786-204-0746;	§	
Owner of Telephone Number 813-501-7450;	§	
Owner of Telephone Number 832-241-9124;	§	
Owner of Telephone Number 832-415-3951;	§	
Cash Homes Dallas Fort Worth LLC (832-841-2481);	§	
Owner of Telephone Number 832-852-1270;	§	
Owner of Telephone Number 972-430-2492; and	§	
Owner of Telephone Number 972-666-9427.	§	
Defendants.	§	

COMPLAINT

Plaintiff Keana Taylor alleges the following against the owners (hereafter “Defendants”) of each of the following telephone numbers:

- Owner of Telephone Number 214-935-9114
- Owner of Telephone Number 281-324-8482
- Owner of Telephone Number 281-426-0814
- Owner of Telephone Number 281-612-7386
- Owner of Telephone Number 281-644-0380

- Owner of Telephone Number 346-236-0479
- VMG Enterprise LLC d/b/a VMG Home Buyers (346-299-5023)
- Owner of Telephone Number 346-470-7717
- Moral Home Experts (469-933-1398)
- Owner of Telephone Number 470-397-1676
- Owner of Telephone Number 786-204-0746
- Owner of Telephone Number 813-501-7450
- Owner of Telephone Number 832-241-9124
- Owner of Telephone Number 832-415-3951
- Cash Homes Dallas Fort Worth LLC (Owner of Telephone Number 832-841-2481)
- Owner of Telephone Number 832-852-1270
- Owner of Telephone Number 972-430-2492
- Owner of Telephone Number 972-666-9427

INTRODUCTION

1. Plaintiff's Complaint is based on the Telephone Consumer Protection Act ("TCPA") codified at 47 U.S.C. §227 and also §302.101 of the Texas Business and Commercial Code.

2. Plaintiff receives multiple spam solicitation calls and texts each week. This Complaint is based on only those calls and texts received from April 11, 2022 to May 2, 2022. Exhibit A, Affidavit of Keana Taylor.

3. Upon information and belief, the calls and texts are not spoofed, but rather are from valid telephone numbers owned by individuals and companies intentionally and purposefully soliciting Plaintiff.

JURISDICTION & VENUE

4. This Court has subject-matter jurisdiction over the TCPA claims in this action under 28 U.S.C. § 1331, which grants this court original jurisdiction of all civil actions arising under the laws of the United States. See Mims v. Arrow Fin. Servs., LLC, 565 U.S. 368, 386-87 (2012) (confirming that 28 U.S.C. § 1331 grants the United States district courts federal-question subject-matter jurisdiction to hear private civil suits under the TCPA).

5. This Court has personal jurisdiction over each of the Defendants because they each individually conduct business in the State of Texas, and purposefully direct their harassing communications to individuals such as the plaintiff within the State of Texas, and, on information and belief, committed the violations and torts complained of herein within the State of Texas.

6. Venue is proper in this district under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to this suit occurred in this Judicial District.

PARTIES AND SERVICE

7. Plaintiff Keana Taylor is a natural person residing in Houston, Texas 77009.

8. Plaintiff is a “person” as that term is defined by 47 U.S.C. § 153(39).

9. Upon information and belief, Defendant VMG Enterprise LLC d/b/a VMG Homebuyers is the owner of telephone number 346-299-5023. Exhibit A. Upon information and belief, Defendant VMG Enterprise LLC d/b/a VMG Homebuyers is a domestic limited liability company with an address of 550 Post Oak Boulevard, Suite 475, Houston, Texas 77027. American Home Buyer, Ltd. may be served by serving its registered agent, Registered Agents, Inc. at 5900 Balcones Dr., Suite 100, Austin, Texas 78731-4298. Exhibit A.

10. Plaintiff is currently unable to identify the Owner of Telephone Number 214-935-9114. During her April 25, 2022 telephone call that Plaintiff had with the person who called from

this number, he identified himself as “Jason” and working for “Home Buyers Inc.,” however Plaintiff is uncertain which entity is the correct “Home Buyers Inc.” During her call, they solicited the service of purchasing her property(ies). Exhibit A. Upon information and belief, Plaintiff will be able to ascertain the exact identity of this Telephone Number Owner Defendant by subpoenaing their third-party telephone service company, Onvoy, LLC. Id.

11. Plaintiff is currently unable to identify the exact Owner of Telephone Number 281-324-8482. In the true and correct copy of the screen shots of the multiple text messages that began on April 14, 2022 soliciting the service of purchasing her property at 3619 Penwood Way, the owner identified herself as “Anna Nguyen.” Exhibit A. Upon information and belief, Plaintiff will be able to ascertain the exact identity of this Telephone Number Owner Defendant by subpoenaing their third-party telephone service company, Twilio. Id.

12. Plaintiff is currently unable to identify the Owner of Telephone Number 281-426-0814. During her April 15, 2022 telephone call that Plaintiff had with the person who called from this number, she identified herself as “Vanessa” but refused to provide her last name. Vanessa solicited the service of attempting to purchase her house at 3619 Penwood Way. Exhibit A. Upon information and belief, Plaintiff will be able to ascertain the exact identity of this Telephone Number Owner Defendant by subpoenaing their third-party telephone service company, Twilio. Id.

13. Plaintiff is currently unable to identify the Owner of Telephone Number 281-612-7386. In the true and correct copy of the multiple text messages that began on April 15, 2022 soliciting the service of purchasing her property at 3619 Penwood Way, the owner of this telephone number identified himself as “Lawrence.” Exhibit A. Upon information and belief, Plaintiff will

be able to ascertain the exact identity of this Telephone Number Owner Defendant by subpoenaing their third-party telephone service company, Twilio. Id.

14. Plaintiff is currently unable to identify the Owner of Telephone Number 281-644-0380. During her April 15, 2022 telephone call that Plaintiff had with the person who called from this number, he identified himself as “Ronald” but did not provide a last name. Exhibit A. Ronald solicited the service of attempting to sell Plaintiff on a “Renewable Energy Savings Program” for her property at 1625 Fourcade. Id. Upon information and belief, Plaintiff will be able to ascertain the exact identity of this Telephone Number Owner Defendant by subpoenaing their third-party telephone service company, VOIP Innovations, LLC. Id.

15. Plaintiff is currently unable to identify the Owner of Telephone Number 346-236-0479. During her April 15, 2022 telephone call that Plaintiff had with the person who called from this number, she identified herself as a “private investor” named “Nescle”. Exhibit A. Upon information and belief, Plaintiff will be able to ascertain the exact identity of this Telephone Number Owner Defendant by subpoenaing their third-party telephone service company, Twilio. Id.

16. Plaintiff is currently unable to identify the Owner of Telephone Number 346-470-7717. In the true and correct copy of the April 14, 2022 text message soliciting the service of purchasing her property at 3619 Penwood Way, the owner identified himself as “David.” Exhibit A. Upon information and belief, Plaintiff will be able to ascertain the exact identity of this Telephone Number Owner Defendant by subpoenaing their third-party telephone service company, Telefinity, LLC. Id.

17. Upon information and belief, the Owner of Telephone Number 469-933-1398 is Moral Home Experts. Upon information and belief based on the address listed on its website,

Moral Home Experts may be served at 4100 Eldorado Pkwy, Suite 100 #457, McKinney, Texas 75070. During her April 14, 2022 telephone call that Plaintiff had with the person who called from this number, they identified themselves as “Jerson.” Exhibit A. During the call, the person solicited the service of purchasing her property at 3619 Penwood. Id. This entity has a website at: <https://moralhomeexperts.com/>. Upon information and belief, in the event that Plaintiff cannot effect service at the above-identified address, Plaintiff will be able to ascertain the exact identity and address of this Telephone Number Owner Defendant by subpoenaing their third-party telephone service company, Onvoy, LLC. Id.

18. Plaintiff is currently unable to identify the Owner of Telephone Number 470-397-1676. In the true and correct copy of the April 28, 2022 text message soliciting the service of purchasing her property at 916 Melbourne Street, the owner identified herself as “Chloe.” Exhibit A. Upon information and belief, Plaintiff will be able to ascertain the exact identity of this Telephone Number Owner Defendant by subpoenaing their third-party telephone service company, Twilio. Id.

19. Plaintiff is currently unable to identify the Owner of Telephone Number 786-204-0746. In the true and correct copy of the multiple text messages sent on April 18, 2022 soliciting the service of purchasing her property at 3619 Penwood Way for cash, the owner did not identify himself/herself. Exhibit A. Upon information and belief, Plaintiff will be able to ascertain the exact identity of this Telephone Number Owner Defendant by subpoenaing their third-party telephone service company, Brightlink Communications. Id.

20. Plaintiff is currently unable to identify the Owner of Telephone Number 813-501-7450. In the true and correct copy of the April 12, 2022 text message soliciting the sale of healthcare plans, the owner identified herself as “Amy.” Exhibit A. Upon information and belief,

Plaintiff will be able to ascertain the exact identity of this Telephone Number Owner Defendant by subpoenaing their third-party telephone service company, Bandwidth 13 – Bandwidth.com. Id.

21. Plaintiff is currently unable to identify the Owner of Telephone Number 832-241-9124. In the true and correct copy of the April 15, 2022 text message soliciting the service of purchasing her property at 1007 Ahrens with a “legit as-is cash offer,” the owner identified himself as “Mike.” Exhibit A. Upon information and belief, Plaintiff will be able to ascertain the exact identity of this Telephone Number Owner Defendant by subpoenaing their third-party telephone service company, Plivo. Id.

22. Plaintiff is currently unable to identify the Owner of Telephone Number 832-415-3951. In the true and correct copy of multiple text messages sent to me beginning on April 30, 2022 by initially soliciting the service of purchasing her property at 2622 Link Road, the owner identified themselves only as “Lucy.” Exhibit A. The two subsequent text messages solicited the purchase of her property at 2622 Link Road. Upon information and belief, Plaintiff will be able to ascertain the exact identity of this Telephone Number Owner Defendant by subpoenaing their third-party telephone service company, Twilio. Id.

23. Upon information and belief, the Owner of Telephone Number 832-841-2481 is Cash Homes Dallas Fort Worth LLC. During her April 15, 2022 telephone call that Plaintiff had with the person who called from this number, he identified himself as a “Lyka”. Exhibit A. Lyka solicited the service of attempting to purchase her property at 3619 Penwood. Lyka indicated that he worked for “Cash Homes Dallas Fort Worth Company.” Searching the Texas Secretary of State business organization database reveals that Cash Homes Dallas Fort Worth LLC may be served through its registered agent, Santiago Luna, 201 S. Dick Price Road, Kennedale, TX 76060. An online Google search returns the website <https://www.cashhomesdallasfortworth.com/> and lists the

same address as the registered agent. Upon information and belief, this Defendant Telephone Owner may be served at that address. However, if this is the incorrect entity, Plaintiff will be able to ascertain the exact identity of this Telephone Number Owner Defendant by subpoenaing their third-party telephone service company, Onvoy 3- Sybase 365. Exhibit A.

24. Plaintiff is currently unable to identify the Owner of Telephone Number 832-852-1270. During her April 29, 2022 telephone call that Plaintiff had with the person who called from this number, they identified themselves as a “local investor” named “Sam” who was “not a company yet.” Exhibit A. Sam solicited the service of attempting to purchase her property at 904 Wisconsin. Upon information and belief, Plaintiff will be able to ascertain the exact identity of this Telephone Number Owner Defendant by subpoenaing their third-party telephone service company, Onvoy, LLC. Id.

25. Plaintiff is currently unable to identify the Owner of Telephone Number 972-430-2492. During her May 2, 2022 telephone call that Plaintiff had with the person who called from this number, they identified themselves as “Angel” from the “Central Office for Back Tax Negotiations.” Exhibit A. Angel solicited the service of offering back tax negotiations. Upon information and belief, Plaintiff will be able to ascertain the exact identity of this Telephone Number Owner Defendant by subpoenaing their third-party telephone service company, Bandwidth.com. Id.

26. Plaintiff is currently unable to identify the Owner of Telephone Number 972-666-9427. During her April 18, 2022 telephone call that Plaintiff had with the person who called from this number, she identified herself as “Emily”. Exhibit A. Upon information and belief, Plaintiff will be able to ascertain the exact identity of this Telephone Number Owner Defendant by subpoenaing their third-party telephone service company, Onvoy, LLC. Id..

27. Defendants acted through their agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and/or insurers.

28. Defendants are “persons” as that term is defined by 47 U.S.C. § 153(39).

FACTS AND ALLEGATIONS

29. Each of the Defendants placed at least one call or sent one text message to Plaintiff on her cellular telephone ending in -6404 attempting to sell Plaintiff services relating to property acquisition. Exhibit A.

30. Plaintiff never sought information or services relating to selling any of her properties. Exhibit A.

31. Plaintiff never provided her telephone number to any of the Defendants identified in her Complaint, and never consented to receive the calls or texts. Exhibit A.

32. These calls and texts were not made for “emergency purposes,” but rather for telemarketing purposes.

33. Plaintiff’s cellular telephone number has been on the National Do Not Call Registry since June 28, 2006. Exhibit A.

34. Plaintiff’s cellular telephone number has been on the Texas Do Not Call Registry since March 22, 2022. Exhibit A.

35. Despite registration on the National and Texas Do Not Call Registries, each of the Defendants placed at least one call or sent one text message to Plaintiff.

36. On each occasion in which Plaintiff received a telephone call, Plaintiff answered the call and heard either a lengthy pause or delay and/or a clicking or buzzing sound before anyone came on the line, indicating to her that the call was made using an ATDS.

37. When Plaintiff spoke with a live individual, she was solicited for services for which she never agreed to receive solicitation calls. Exhibit A.

38. Upon information and belief, each of the text messages that Plaintiff received were also sent using an ATDS or other similar automatic system used to send massive numbers of unsolicited text messages to cell phone owners.

39. The text messages that Plaintiff received from one or more of the Defendants made solicitations which Plaintiff never requested or consented to receive. Exhibit A.

40. The actions described herein were in violation of the TCPA and Texas Business and Commercial Code.

COUNT I
DEFENDANTS VIOLATED THE TCPA 47 U.S.C. § 227(B)

41. Plaintiff incorporates the forgoing paragraphs as though the same were set forth at length herein.

42. The TCPA prohibits placing calls using an automatic telephone dialing system or automatically generated or prerecorded voice to a cellular telephone except where the caller has the prior express consent of the called party to make such calls or where the call is made for emergency purposes. 47 U.S.C. § 227(b)(1)(A)(iii).

43. Defendants each initiated one or more telephone calls and/or texts to Plaintiff's cellular telephone number using an automatic telephone dialing system.

44. Defendants' calls and texts were not made for "emergency purposes."

45. Defendants' calls and texts to Plaintiff's cellular telephone were made without any prior express consent.

46. Plaintiff never sought information or services relating to buying or selling properties, obtaining health insurance, requesting solar assessments, or seeking same day cash loans. Exhibit A.

47. Plaintiff never provided her telephone number to any of the Defendants identified in her Complaint, and never consented to receive the calls or texts. Exhibit A.

48. Defendants each contacted Plaintiff despite the fact that Plaintiff has been on the Do Not Call Registry since June 28, 2006.

49. Defendants' acts as described above each were done with malicious, intentional, willful, reckless, wanton and negligent disregard for Plaintiff's rights under the law and with the purpose of harassing Plaintiff.

50. The acts and/or omissions of each of the Defendants were done unfairly, unlawfully, intentionally, deceptively and fraudulently and absent bona fide error, lawful right, legal defense, legal justification or legal excuse.

51. As a result of the above violations of the TCPA, Plaintiff has suffered the losses and damages as set forth above entitling Plaintiff to an award of statutory, actual, and treble damages.

COUNT II
DEFENDANTS VIOLATED THE TCPA 47 U.S.C. § 227(C)

52. Plaintiff incorporates the forgoing paragraphs as though the same were set forth at length herein.

53. The TCPA prohibits any person or entity of initiating any telephone solicitation to a residential telephone subscriber who has registered his or his telephone number on the National Do-Not-Call Registry of persons who do not wish to receive telephone solicitations that is maintained by the Federal Government. 47 U.S.C. § 227(c).

54. Defendants each contacted Plaintiff despite the fact that Plaintiff has been on the Do Not Call Registry since June 28, 2006.

55. Defendants' acts as described above each were done with malicious, intentional, willful, reckless, wanton and negligent disregard for Plaintiff's rights under the law and with the purpose of harassing Plaintiff.

56. The acts and/or omissions of each Defendant were done unfairly, unlawfully, intentionally, deceptively and fraudulently and absent bona fide error, lawful right, legal defense, legal justification or legal excuse.

57. As a result of the above violations of the TCPA, Plaintiff has suffered the losses and damages as set forth above entitling Plaintiff to an award of statutory, actual and trebles damages.

COUNT III
DEFENDANTS VIOLATED § 302.101 OF
THE TEXAS BUSINESS AND COMMERCIAL CODE

58. Plaintiff incorporates the forgoing paragraphs as though the same were set forth at length herein.

59. §302.101 of the Texas Business & Commerce Code prohibits sellers from engaging in telephone solicitation from a location in this state or to a purchaser located in this state unless the seller obtains a registration certificate from the Office of the Secretary of State for the business location from which the solicitation is made.

60. Defendants each violated § 302.101 of the Texas Business & Commercial Code when its representatives engaged in continuous and repetitive telephone solicitation of Plaintiff without obtaining a registration certificate from the Office of the Secretary of State. §302.302(a)

of the Texas Business & Commerce Code provides that a person who violates this chapter is subject to a civil penalty of no more than \$5,000 for each violation.

61. Furthermore, §302.302(d) provides that the party bringing the action is also entitled to recover all reasonable cost of prosecuting the action, including court costs and investigation costs, deposition expenses, witness fees, and attorney fees.

PRAYER FOR RELIEF

For the reasons set forth above, Plaintiff Keana Taylor prays that she have judgment against each Defendant to include at least the following:

- a) All actual damages Plaintiff suffered (as provided under 47 U.S.C. § 227(b)(3)(A)) and §302.302 of the Texas Business and Commerce Code;
- b) Statutory damages of \$500.00 per violative telephone call (as provided under 47 U.S.C. § 227(b)(3)(B));
- c) Additional statutory damages of \$500.00 per violative telephone call (as provided under 47 U.S.C. § 227(C);
- d) Treble damages of \$1,500.00 per violative telephone call (as provided under 47 U.S.C. § 227(b)(3));
- e) Additional treble damages of \$1,500.00 per violative telephone call (as provided under 47 U.S.C. § 227(C);
- f) Injunctive relief (as provided under 47 U.S.C. § 227(b)(3) and (c);
- g) Statutory damages of \$5,000 per violation (as provided under §302.302(a) of the Texas Business & Commerce Code);
- h) All reasonable attorneys' fees, witness fees, court costs and other litigation costs incurred by Plaintiff pursuant to §302.302(a) of the Texas Business & Commerce Code;
- i) Pre-judgment and post-judgment interest; and
- j) All other relief which Plaintiff may show to be justly entitled or to which this Honorable Court deems appropriate.

JURY DEMAND

Plaintiff hereby demands a jury trial on all issues so triable.

August 26, 2022

Respectfully submitted,

Keana T. Taylor

Keana T. Taylor
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CERTIFICATE OF SERVICE

I hereby certify that today, August 26, 2022, I electronically filed the foregoing Complaint with the Clerk of the Court using the CM/ECF system.

Keana T. Taylor

Keana T. Taylor